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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,007	03/02/2004	Haruo Akiba	249484US3	3554
22850	7590	09/12/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEUBECKER, JOHN P	
		ART UNIT	PAPER NUMBER	3739

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/790,007	AKIBA, HAROU	
	<b>Examiner</b>	<b>Art Unit</b>	
	John P. Leubecker	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 March 2004.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 2 is/are rejected.  
 7) Claim(s) 3-6 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

***Specification***

1. The disclosure is objected to because of the following informalities: on page 19, line 7, “*pretty length part*” appears improper.

Appropriate correction is required.

***Claim Objections***

2. Claims 1, 3 and 4 are objected to because of the following informalities: in claim 1, line 9, “main section” should be --main cover section-- for consistency; in claim 1, line 15, “tubular member” should be –tubular structural member—for consistency; in claim 1, line 22, “tubular members” should be –tubular structural members—for consistency; in claim 3, line 2, “tubular member” should be –tubular structural member—for consistency; in claim 4, line 2, “tubular members” should be –tubular structural members—for consistency Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, both occurrences of “said endoscope” (lines 7-8 and lines 14-15) lack antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Utsugi et al. (U.S. Pat. 4,552,129).

Utsugi et al. discloses a casing (5) made from a synthetic resin material (col.2, lines 22-23) and constituted by a main cover section (6) and a grip cover section (7,66) extending from the main cover section, a rigid support plate (56, Figs.3,9), a plurality of passage forming tubular structural members (57, 58, 64, Fig.8), the proximal tubular structural member (57) being connected to the rigid support plate (Fig.3), a first anti-twist lock portion formed by the support plate for blocking rotational movement of the grip cover section relative to the main cover section (note locking nuts 71, Fig.8, col.6, lines 16-24, and fixed connection of the support plate 56 to the proximal end of the main cover section, Fig.9, lines 25-34, the combination of which would resist relative rotation between the grip cover section 7 and main cover section 6), and a second anti-twist lock portion (screwed connection of tubular structural member 57 and 58, seen but not numbered in Figure 3, col.5, lines 46-50) which are formed between a joint portion of the tubular structural members and the grip cover section (note the connection of 57 and 58 in Figure

8 which is located at the joint portion and is covered by grip cover section 7). As to claim 2, note that the tubular structural members are successively connected, the connection between members (57) and (58) being at the ring shaped proximal end of member 58, therefore the connection being through a reinforcing ring, and the fore end of the second member (58) being inserted in the third member (64) (note left side of Figure 8).

***Allowable Subject Matter***

7. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komi (U.S. Pat. 6,491,627)—note support plate (21) and tubular structural members (22). This claim meets the limitations of claim 1. Rigid connections between the support plate (21) and main cover section (1a) (note connection of bending mechanism 40 to support plate and main cover, Figs.2 and 7) and the connection of axial grooves (29) with elements (21a), and lock nuts (27) and (28) form first and second anti-twist lock portions.

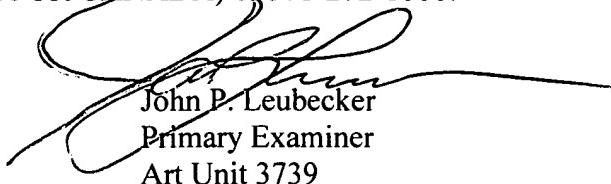
Konomura et al. (US 2003/0092965)—note frame and tubular structural members (at 33A) which appear to be rigidly connected together (prevents relative rotation).

Also note Takase (U.S. Pat. 6,916,285) and Mitsumori (U.S. Pat. 6,716,160) which appear to show similar structures as disclosed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner  
Art Unit 3739

jpl